

Prob12C
DMA (3/2005)

**United States District Court
for the District of Massachusetts
Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

Name of Offender: John Lingaitis

Case Number: 05 CR 10171

Name of Sentencing Judicial Officer: Honorable John Woodcock, USDJ (District of Maine); jurisdiction transferred to the District of MA on 7/7/05 and assigned to Honorable Nancy Gertner, USDJ

Date of Original Sentence: 10/12/04

Original Offense: Theft of Firearms, Possession of Firearm by Prohibited Person, Possession of Stolen Firearms and Possession of Firearm with an Obliterated Serial Number, in violation of 18 U.S.C § 922(u)(2), 922(g)(8), 922(j) and 922(k), respectively.

Original Sentence: 16 months custody of the Bureau of Prisons followed by 36 months of supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 3/7/05

Date Supervision Recommended: 3/5/07

Asst. U.S. Attorney: Antoinette E.M. Leoney

Defense Attorney: James Mears

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

I Violation of Mandatory Condition: The defendant shall not commit another federal, state or local crime.

Information taken from an incident report from the Beverly Police Department indicates that one 3/11/07, an officer was dispatched to the CVS Pharmacy at 448 Rantoul Street in Beverly, MA. Upon arrival, the store manager advised the responding officer that a shoplifter had just fled the store. Another officer involved with the call contacted the responding officer at the CVS and informed that he had the suspect at Chase and Chestnut Streets. The manager related to the officer that the shoplifter, later identified as John Lingaitis, was observed removing items from his coat which he had just concealed on his person. Lingaitis removed these items outside of CVS after he was in the store for approximately 45 minutes. Recovered on Lingaitis' person were Addidas cologne, post-it notes, batteries, water bottle, envelops, hairbrush, whitening gel, hooks, pens, an organizer, notebook and tote bag, totalling \$123. These items recovered from Lingaitis were returned to CVS and Lingaitis was taken into custody.

On 3/13/07, Lingaitis appeared in Salem District Court on the charge of Shoplifting. He was ordered released on personal recognizance. His next scheduled hearing is set for 5/12/07.

John Lingaitis
Prob 12C

- 2 -

Petition and Affidavit for Warrant or Summons
for Offender Under Supervision

II

Violation of Standard Condition # 11: The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.

The U.S. Probation Officer learned on 3/28/07, from the Salem District Court Probation Department that John Lingaitis was arrested by the Beverly Police Department on 3/11/07. At no time prior did John Lingaitis notify the U.S. Probation Officer of this arrest by law enforcement. On 3/28/07, the U.S. Probation Officer spoke with Lingaitis by telephone who claimed that he believed that he notified this officer of this new arrest, when in fact, he failed to provide notification.

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

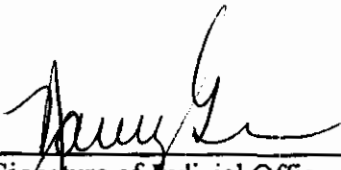
I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:

Respectfully submitted,

/s/ Joseph F. LaFrattaBy /s/ Paul C. PreveyJoseph F. LaFratta
Supervising U.S. Probation OfficerPaul C. Prevey
Senior U.S. Probation Officer
Date: 3/30/07**THE COURT ORDERS**

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other


 Signature of Judicial Officer

8/14/07
 Date